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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,295	10/14/2003	Masahiro Ito	1924.68534	9829

24978 7590 03/24/2005

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CHICAGO, IL 60606

EXAMINER

SNIEZEK, ANDREW L

ART UNIT	PAPER NUMBER
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2651

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/685,295

**Applicant(s)**

ITO, MASAHIRO

**Examiner**

Andrew L. Sniezek

**Art Unit**

2651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-10-12, 15, 16 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 13 and 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/2/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings filed 10/14/03 are acceptable to the examiner.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 2 and 11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims two and 11 set forth computing a ratio between a first interval and a second interval. The written specification does not provide enough details of how this ratio is computed which would enable one of ordinary skill in the art to make and use the invention.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3, 4, 7-10, 12, 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Kitazaki et al.

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Re claim 1: Katazaki et al. teaches a magnetic disk apparatus and corresponding method for controlling used for writing/reading to and from a magnetic disk by a head (H) including a rotating unit (1), storage unit (SRAM (14) and MPU) that stores a first time interval (TS<sub>0</sub>) when there is no shift, paragraph [0118], a reference signal time interval measuring unit that measures a second time interval (TS(i, j)), also included within MPU, paragraphs [0124-0126] that is used to properly position a head for reading/writing data. See also Paragraph [0038].

Re claim 3: SS(ij) and SS(l+1, j) are servo signals.

Re claim 4: shift detecting is performed by the structure used to calculate when a disk shift has occurred, paragraph [0108].

Re claim 7: time interval satisfied by paragraph [0108]

Re claim 8: see paragraphs [0117, 0118].

Re claim 9: See figures 3 and 8 depicting no overlap when a shift has occurred.

Claims 10, 12, 15 and 16 set forth limitations that correspond to those presented in claims 1, 4, 7 and 8 respectively and are therefor rejected for reasons provided.

### ***Allowable Subject Matter***

6. Claim 2, 5, 6, 11, 13, 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, and in the case of claims 2 and 11 the 35 USC 112 rejection is overcome.

7. The following is a statement of reasons for the indication of allowable subject matter: The claimed apparatus as set forth in claim 2/1 and corresponding method

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claim 11/10 that computes the ratio between the first time interval and the second time interval that is then used to form the correction value is neither taught by nor an obvious variation of the art of record. The claimed apparatus of claim 5/4/1 and corresponding method 13/12/10 that includes an impact sensor to detect a shift in a center of rotation of the recording medium for the formation of the correction value as set forth is neither taught by nor an obvious variation of the art of record. The claimed apparatus of claim 6/4/1 and corresponding method 14/12/10 that includes changes in the counter-electromotive force of a voice coil to detect a shift in a center of rotation of the recording medium for the formation of the correction value as set forth is neither taught by nor an obvious variation of the art of record.

### ***Conclusion***

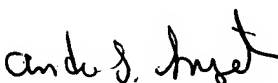
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nakasato, having the same assignee as the present invention discloses a similar arrangement that takes into account the eccentricity of a disk.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew L. Snizek whose telephone number is 571-272-7563. The examiner can normally be reached on Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Andrew L. Sniezek  
Primary Examiner  
Art Unit 2651

A.L.S.  
3/20/05